



TESTIMONY IN OPPOSITION TO HB 831

Water Right Solutions Inc. (WRSI) is a water rights consulting firm that has successfully completed several permit applications that required the use of augmentation to prevent adverse effects to senior water rights holders. WRSI opposes HB 831 for the following reasons:

- 1) If enacted, HB 831 will add several layers of review to a process that already takes several years to complete. As a result, the bill will make it exceedingly more time-consuming and difficult to obtain a Beneficial Water Use Permit or to change an existing permit or claim.
- 2) HB 831 will make an already expensive process even more expensive for Montanans to obtain a Beneficial Water Use Permit. As a result, only the wealthy will be able to obtain a new permit or change existing permits and claims. A new permit now costs between \$10,000 and \$15,000 to collect and analyze data. Under HB 831, this cost will likely double to \$20,000 to \$30,000.
- 3) HB 831 will hinder economic development in Montana and raise the price of land to the point where average Montanans will not be able to buy a home.
- 4) HB 831 requires agreement between ground-water professionals that must prepare mitigation and augmentation plans for the applicant and "the department". HB 831 does not specify who in the department can review the work of ground-water professionals. If passed, HB 831 should require that only a ground-water professional within the department can conduct the review.
- 5) We believe that three ground-water professionals from the Montana Bureau of Mines and Geology should be empanelled to arbitrate any disagreements between ground-water professionals hired by applicants and department ground-water professionals, over issues relating to hydrogeologic conclusions (mitigation, augmentation, etc) in new permits or change applications. Further, there needs to be a mechanism in place for an applicant to contest application issues with the department and a 30-day time period for arbitrating any contested issues.
- 6) Because ground-water modeling is not an exact science, the provisions of HB 831 may not offer protection to historic water right owners.
- 7) The provisions of HB 831 that require a re-examination of existing permits may be a violation of Montanan's constitutional rights.

In conclusion, HB 831 is an ill-conceived bill that has incorporated laws from other states without regard as to whether the law will actually address the issue, i.e. how to develop Montana's water resources without damaging historic water right owners. A more workable solution would be to define augmentation as a beneficial use of water and add provisions to

each basin closure statute that allows the issuance of Beneficial Water Use Permits for any use from any source if possible adverse effects of the appropriation are mitigated.